



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Elh

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/384,379	08/27/99	AOKI	Y 2167-0110P

002292 HM12/1229
BIRCH STEWART KOLASCH & BIRCH
8110 GATEHOUSE ROAD
SUITE 500 EAST
FALLS CHURCH, VA 22042

EXAMINER

NGUYEN, B

ART UNIT

PAPER NUMBER

1641

DATE MAILED:

H
12/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/384,379

Applicant(s)
Aoki et al

Examiner
Bao-Thuy L. Nguyen

Group Art Unit
1641



☒ Responsive to communication(s) filed on 8/27/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Drawings

1. The drawings have been approved by the drafts person.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Japanese Patent No. JP-11151085A (June 8, 1999, Abstract Only).

'085 discloses an anti-human medullasin monoclonal antibody which can identify human medullasin in granulocytes. '085 also discloses a method of making the monoclonal antibody by fusing antibody forming cell and myeloma cell to form hybridoma which is cultured. Antibody is then extracted from the culture and may be used in a process for detection of medullasin in a sandwich assay. See the English translation of the Abstract.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,661,000 to Aoki et al.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao-Thuy Nguyen whose telephone number is (703) 308-4243. The examiner can usually be reached Monday, Wednesday and Thursday, from 9:00 AM to 5:00 PM.

Application Number: 09/384,379
Art Unit: 1641

Page 3

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (703) 305-3399. The fax phone number for this Group is (703) 308-4242 or (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.



Bao-Thuy Nguyen
Patent Examiner
Group Art Unit 1641
December 27, 2000